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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,580	03/29/2001	Phillip W. Lucas	3935.9-1	2887
23559	7590	08/22/2005	EXAMINER	
MUNSCH, HARDT, KOPF & HARR, P.C. INTELLECTUAL PROPERTY DOCKET CLERK 1445 ROSS AVENUE, SUITE 4000 DALLAS, TX 75202-2790			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,580

Applicant(s)

LUCAS, PHILLIP W.

Examiner

Shick C. Horn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,20-22 and 32-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,7,20-22,44 and 45 is/are allowed.
- 6) ☒ Claim(s) 32-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 6-7 20-22 32-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 35-36 are objected to because of the following informalities: In claim 35 line 2 and claim 36 lines 1-2, the words "a predetermined format" and "a predetermined message format," respectively, seem to refer back to the "predetermined message format" recited in claim 32 lines 4-5. If this is true, it is suggested changing "a predetermined format" and "a predetermined message format" to ---the predetermined message format---. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 32-37 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 32 line 6 which recite "the remote server" lacks clear antecedent basis because no remote server have been previously recited in the claim and therefore the limitation is not clearly understood; further it is not clear as to whether it is reciting ---the remote device--- of claim 32 lines 2-3. In claim 40 line 2 which recite "a message having a predetermined format" is not clear as to whether it is reciting ---the message having the predetermined format--- as in claim 38 line 5.

Claims 33-37 and 41-42 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claims 32 and 40, respectively.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 32-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Bloomfield et al. (5,555,100).

Regarding claims 32-42:

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Bloomfield et al. disclose a method and device of configuring a broadband communication device, comprising: establishing with the broadband communication device a connection with a remote device over a PTSN including mechanism for dialing a predetermined telephone number of a remote device over the PTSN (see the abstract which recite the router interface coupling a facsimile device to the PSTN to communicate with remotely located facsimile store and forward facility and col. 7 lines 7-35 which recite the router dials the telephone number of the remote facsimile machine); generating a first series of tones, the first series of tones encoding digital data in a predetermined message format (see col. 30 line 40 to col. 31 line 5 which recite the use of Bell 202 and V.21 communication formats clearly anticipate the data being encoded in a predetermined message format); transmitting the first series of tones over the connection to the remote server, and receiving a second series of tones, the second series of tones encoding configuration information for use in configuring the broadband device for communicating over a broadband connection (see Figs. 1, 9, and col. 49 line 66 to col. 50 line 48 which recite receiving and translating user requests from setup forms into configuration data which is communicated to the universal platform shown in Figs. 1 and 9, whereby the universal platform

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includes the telephony interface having DTMF interfaces which support modulated and DTMF communication with other devices and routers clearly anticipate transmitting and receiving tones including the second series of tones encoding configuration information for use in configuring the broadband device for communicating over a broadband connection and PSTN) as in claims 32, 33, 35, 38, 39, 40.

Regarding claims 34, 41:

Bloomfield et al. disclose wherein a pre-selected one of the DTMF tones are reserved for indicating framing (see col. 43 lines 33-57 which recite the use of handshaking signals within the frames of information being communicated near the end clearly reads on DTMF tones for indicating framing).

Regarding claims 36, 42:

Bloomfield et al. disclose wherein the encoding digital data in a predetermined message format includes generating a header, an opcode, and a checksum (see col. 53 line 61 to col. 55 line 32 which recite the packet including code and checksum verification of data clearly anticipate message having a header, opcode and checksum).

Regarding claims 37, 43:

Bloomfield et al. disclose wherein generating the first series of tones comprises generating tones representing a first

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predetermined authorization code (see col. 13 lines 41-59 which recite users dialing an access code before being able to use the services clearly anticipate generating tones representing a first predetermined authorization code).

Allowable Subject Matter

6. Claims 6, 7, 20-22, 44-45 are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SH



DANG TON
PRIMARY EXAMINER